

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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TORAN V. PETERSON,

Plaintiff,

Case No. 1:09-cv-233

v.

Honorable Paul L. Maloney

UNKNOWN FOCO et al.,

Defendants.

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**ORDER**

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. This matter is before the Court upon Plaintiff's motion for reconsideration (docket #7) of the judgment dismissing his case without prejudice for failure to file an amended complaint (docket #6). On March 25, 2009 (docket #5), the Court ordered Plaintiff to file an amended complaint in proper form within thirty days and warned Plaintiff that his case would be dismissed without prejudice should he fail to submit an amended complaint. On May 14, 2009, after more than thirty days had passed, the Court dismissed Plaintiff's action for failure to file an amended complaint on the form provided by this Court. *See* W.D. Mich. LCivR 5.6(a).

On June 15, 2009, the Court received Plaintiff's motion for reconsideration and proposed amended complaint. In his motion, Plaintiff alleges that he was transferred to Ionia Maximum Correctional Facility on April 17, 2007. (Mot. at 1, docket #7.) Upon arriving at Ionia Maximum Correctional Facility, Plaintiff was placed in an observation cell from April 17, 2009 until June 4, 2009. (*Id.* at 2.) During that time, Plaintiff was unable to possess his legal mail. (*Id.* at 3.)

Because Plaintiff submitted his amended complaint soon after he was released from the observation cell, Plaintiff's motion will be granted and his action will be reopened for further proceedings.

Therefore:

IT IS ORDERED that Plaintiff's motion for reconsideration (docket #7) is GRANTED;

IT IS FURTHER ORDERED that the Clerk of the Court shall accept Plaintiff's proposed amended complaint for filing;

IT IS FURTHER ORDERED that the Court's May 14, 2009 Judgment of Dismissal (docket #6) is VACATED and this action is RE-OPENED for further proceedings.

Dated: June 29, 2009

/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge